

EXHIBIT 6

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY

10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

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24 Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

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| <p>38</p> <p>1 Mr. Bavis call you at work while you were out on 2 disability?</p> <p>3 A. Maybe twenty.</p> <p>4 Q. And at any of these times that he called 5 you did he leave any messages concerning the purpose 6 of his call?</p> <p>7 A. I know he spoke to Sergeant Donovan because 8 Diane had answered so many calls at that point that 9 she said give it to Sergeant Donovan. Sergeant 10 Donovan explained to him that I was out with my 11 ankle, that I would be back soon, and he just wanted 12 me to know that he was still having a problem at 13 work. I don't know that he specified with who.</p> <p>14 Q. And other than Sergeant Donovan's 15 conversation with Bavis, did Bavis leave any 16 messages other than he had called you these 17 approximately twenty times while you were out on 18 disability leave?</p> <p>19 A. Not that I remember, no.</p> <p>20 Q. Now, when you returned on March 7th or 8th, 21 what was the next thing you did with regard to this 22 investigation or the next information you received 23 concerning this investigation?</p> <p>24 A. I called Mr. Hosseini's cell phone and I</p> | <p>40</p> <p>1 heard the yelling, so I couldn't be of any use to 2 you."</p> <p>3 Q. And that retired police officer, that was 4 Jimmy Flynn?</p> <p>5 A. Yes. Yes. I am sorry. I am horrible with 6 names.</p> <p>7 Q. Did you speak with Jimmy Flynn before you 8 had set up an interview with Mr. Hosseini?</p> <p>9 A. I can't remember if it was before or after.</p> <p>10 Q. Did you speak with Jimmy Flynn before or 11 after you actually met with Mr. Hosseini?</p> <p>12 A. I can't remember. I want to say before, 13 but I can't remember a hundred percent.</p> <p>14 Q. How did you get in contact with Jimmy 15 Flynn?</p> <p>16 A. I think I was given a phone number for him 17 by Mr. Bavis or he was given my phone number. I 18 know it was all by phone, and I know at one point I 19 called him and spoke with him, but I am not sure if 20 he had already called me and left a number for me to 21 get in touch with him.</p> <p>22 Q. And what information did Mr. Flynn give you 23 about Mr. Bavis?</p> <p>24 A. He just said he knew him from just being</p> |
| <p>39</p> <p>1 did speak with him at that time and explained to him 2 that there were allegations made, which he was aware 3 of. He wasn't exactly -- he was aware that there 4 were allegations. I asked him if he wanted to come 5 in and meet with me. He said he would like to make 6 an appointment to meet with me. He came in. I 7 can't remember the exact date; a few days after 8 this, I know; and in the interim I had also been 9 given the name of somebody who might have witnessed 10 the incident on the dock who was a retired New York 11 police officer. I don't remember his name. I did 12 speak with him and he said to me that he had not 13 witnessed it, he just heard the yelling. He never 14 saw what had happened, so we didn't talk about the 15 rest of the investigation after that.</p> <p>16 I asked him if he knew all the 17 parties. He said he knew them. I think he was a 18 driver for GES at that time. At one time he had 19 been a New York police officer who had been hurt and 20 retired. We talked about that, non-case-related 21 things, and he just said he knows all of them, he 22 heard the yelling, but he never saw -- Mr. Bavis had 23 alleged he had seen Mr. Hosseini touch him. He 24 said, "Erin, I never saw what happened. I just</p> | <p>41</p> <p>1 around and stuff, that he knew Mr. Bavis. He 2 referred to him as a loudmouth, said he had a big 3 mouth. I said to him, "Had he mentioned that you 4 had witnessed an incident on the dock?" He said, 5 "No, that's not true. I wasn't there.</p> <p>6 I didn't see it. I heard the yelling. I came 7 afterwards, and they are arguing, and Mr. Bavis 8 left, but I didn't see what happened." He said 9 afterwards the guys were saying that Joe said this 10 happened and Mr. Hosseini said this happened, and he 11 said, "You know, I wasn't there for it." We just 12 got off the subject, really, and he started talking 13 about the New York City police and the Boston police 14 and things like that.</p> <p>15 Q. At that time did he tell you anything more 16 about Mr. Bavis?</p> <p>17 A. Not that I remember, no.</p> <p>18 Q. And at the time Mr. Flynn, did he tell you 19 that he was working out of the New York or New 20 Jersey GES office?</p> <p>21 A. I think when I spoke to him he was there 22 because I know he had lived in New York at some 23 point, so I think he was in New Jersey.</p> <p>24 Q. And do you remember if you had asked him</p> |